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**IN THE UNITED STATES PATENT & TRADEMARK OFFICE**

Application No. 10/612,602	Inventor(s): Bailey et al.
Filed: 1 JULY 2003	Attorney Docket No.: 061501-0003 [formerly 10986-0003]
Customer No. 09629	Confirmation No.: 4808
Title: ELECTRONICALLY CONTROLLED ELECTRIC MOTOR	
Examiner: Masih, Karen	Art Unit: 2837

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**APPEAL BRIEF (PURSUANT TO 37 C.F.R. 1.192)**

Sir:

**(1) Real Party In Interest**

The real party in interest is Xidem, Inc., of Carthage, Texas.

**(2) Related Appeals and Interferences**

There are no other prior or pending appeals, interferences, or judicial proceedings known to appellant, appellant's legal representatives, or assignee that may be related to, directly affect, or be directly affected by or have a bearing on the Board's decision in the pending appeal.

**(3) Status of Claims**

Thirteen claims were filed with the application; claim 14 has been added and claim 6 has been amended. Claims 1-14 are pending and stand rejected. The rejections of claims 1-14 are being appealed.

reason these references are being combined in various permutations is to reject the claims – i.e., the claims are improperly being used as a roadmap to combine references.


In any event, if the same motivation would only motivate one of ordinary skill in the art to try various combinations of references, then no particular combination can be obvious.

Consequently, the cited references are improperly combined, and the rejections based on those combinations should be withdrawn.

The fee for filing this Appeal Brief is estimated to be \$500. Please charge all required fees to Deposit Account No. 50-0310.

Respectfully submitted,

Dated: January 12, 2006

  
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